

L.B.F. 3015.1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re: Simmons, Karon A.

Chapter 13

Case No. 23-11011-mdc

Debtor(s)

Chapter 13 Plan

☒ Original

☐ Amended

Date: 05/15/2023

**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE**

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. **ANYONE WHO WISHES TO OPPOSE ANY PROVISION OF THIS PLAN MUST FILE A WRITTEN OBJECTION** in accordance with Bankruptcy Rule 3015 and Local Rule 3015-4. **This Plan may be confirmed and become binding, unless a written objection is filed.**

**IN ORDER TO RECEIVE A DISTRIBUTION UNDER THE PLAN, YOU
MUST FILE A PROOF OF CLAIM BY THE DEADLINE STATED IN THE
NOTICE OF MEETING OF CREDITORS.**

Part 1: Bankruptcy Rule 3015.1(c) Disclosures

- ☐ Plan contains non-standard or additional provisions – see Part 9
- ☐ Plan limits the amount of secured claim(s) based on value of collateral – see Part 4
- ☐ Plan avoids a security interest or lien – see Part 4 and/or Part 9

Part 2: Plan Payment, Length and Distribution – PARTS 2(c) & 2(e) MUST BE COMPLETED IN EVERY CASE

§ 2(a) Plan payments (For Initial and Amended Plans):

Total Length of Plan: 60 months.

Total Base Amount to be paid to the Chapter 13 Trustee ("Trustee") \$33,000.00

Debtor shall pay the Trustee \$550.00 per month for 60 months and then

Debtor shall pay the Trustee per month for the remaining months;

or

Debtor shall have already paid the Trustee through month number and

then shall pay the Trustee per month for the remaining months.

☐ Other changes in the scheduled plan payment are set forth in § 2(d)

§ 2(b) Debtor shall make plan payments to the Trustee from the following sources in addition to future wages (Describe source, amount and date when funds are available, if known):

§ 2(c) Alternative treatment of secured claims:

☒ **None.** If "None" is checked, the rest of § 2(c) need not be completed.

§ 2(d) Other information that may be important relating to the payment and length of Plan:

§ 2(e) Estimated Distribution:

A.	Total Priority Claims (Part 3)	
1.	Unpaid attorney's fees	\$ <u>4,900.00</u>
2.	Unpaid attorney's costs	\$ <u>0.00</u>
3.	Other priority claims (e.g., priority taxes)	\$ <u>0.00</u>
B.	Total distribution to cure defaults (§ 4(b))	\$ <u>11,886.30</u>
C.	Total distribution on secured claims (§§ 4(c) &(d))	\$ <u>12,456.20</u>
D.	Total distribution on general unsecured claims(Part 5)	\$ <u>457.49</u>
	Subtotal	\$ <u>29,699.99</u>
E.	Estimated Trustee's Commission	\$ <u>3,300.00</u>
F.	Base Amount	\$ <u>33,000.00</u>

§2 (f) Allowance of Compensation Pursuant to L.B.R. 2016-3(a)(2)

☐ By checking this box, Debtor's counsel certifies that the information contained in Counsel's Disclosure of Compensation [Form B2030] is accurate, qualifies counsel to receive compensation pursuant to L.B.R. 2016-3(a)(2), and requests this Court approve counsel's compensation in the total amount of \$ _____, with the Trustee distributing to counsel the amount stated in §2(e)A.1. of the Plan. Confirmation of the plan shall constitute allowance of the requested compensation.

Part 3: Priority Claims

§ 3(a) Except as provided in § 3(b) below, all allowed priority claims will be paid in full unless the creditor agrees otherwise.

Creditor	Claim Number	Type of Priority	Amount to be Paid by Trustee
Cibik Law, P.C.		Attorney Fees	\$4,900.00

§ 3(b) Domestic Support obligations assigned or owed to a governmental unit and paid less than full amount.

☒ **None.** If "None" is checked, the rest of § 3(b) need not be completed.

Part 4: Secured Claims

§ 4(a) Secured Claims Receiving No Distribution from the Trustee:

☐ **None.** If "None" is checked, the rest of § 4(a) need not be completed.

Creditor	Claim Number	Secured Property
<input checked="" type="checkbox"/> If checked, the creditor(s) listed below will receive no distribution from the trustee and the parties' rights will be governed by agreement of the parties and applicable nonbankruptcy law. U.S. Department of Housing and Urban Development		

§ 4(b) Curing default and maintaining payments

☐ **None.** If "None" is checked, the rest of § 4(b) need not be completed.

The Trustee shall distribute an amount sufficient to pay allowed claims for prepetition arrearages; and, Debtor shall pay directly to creditor monthly obligations falling due after the bankruptcy filing in accordance with the parties' contract.

Creditor	Claim Number	Description of Secured Property and Address, if real property	Amount to be Paid by Trustee
PNC Mortgage (Arrearage)		5920 Webster St Philadelphia, PA 19143-2414	\$11,886.30

§ 4(c) Allowed secured claims to be paid in full: based on proof of claim or preconfirmation determination of the amount, extent or validity of the claim

☒ **None.** If "None" is checked, the rest of § 4(c) need not be completed.

§ 4(d) Allowed secured claims to be paid in full that are excluded from 11 U.S.C. § 506

☐ **None.** If "None" is checked, the rest of § 4(d) need not be completed.

The claims below were either (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

(1) The allowed secured claims listed below shall be paid in full and their liens retained until completion of payments under the plan.

(2) In addition to payment of the allowed secured claim, "present value" interest pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below. If the claimant included a different interest rate or amount for "present value" interest in its proof of claim, the court will determine the present value interest rate and amount at the confirmation hearing.

Name of Creditor	Claim Number	Description of Secured Property	Allowed Secured Claim	Present Value Interest Rate	Dollar Amount of Present Value Interest	Amount to be Paid by Trustee
Western Funding Inc		2009 Buick Enclave	\$12,456.20	0.00%	\$0.00	\$12,456.20

§ 4(e) Surrender

☒ **None.** If "None" is checked, the rest of § 4(e) need not be completed.

§ 4(f) Loan Modification

☒ **None.** If "None" is checked, the rest of § 4(f) need not be completed.

(1) Debtor shall pursue a loan modification directly with _____ or its successor in interest or its current servicer ("Mortgage Lender"), in an effort to bring the loan current and resolve the secured arrearage claim.

(2) During the modification application process, Debtor shall make adequate protection payments directly to Mortgage Lender in the amount of _____ per month, which represents _____ (**describe basis of adequate protection payment**). Debtor shall remit the adequate protection payments directly to the Mortgage Lender.

(3) If the modification is not approved by _____ (date), Debtor shall either (A) file an amended Plan to otherwise provide for the allowed claim of the Mortgage Lender; or (B) Mortgage Lender may seek relief from the automatic stay with regard to the collateral and Debtor will not oppose it.

Part 5: General Unsecured Claims

§ 5(a) Separately classified allowed unsecured non-priority claims

☒ **None.** If "None" is checked, the rest of § 5(a) need not be completed.

§ 5(b) Timely filed unsecured non-priority claims

(1) Liquidation Test (*check one box*)

☒ All Debtor(s) property is claimed as exempt.

☐ Debtor(s) has non-exempt property valued at \$ _____ for purposes of § 1325(a)(4) and plan provides for distribution of \$ _____ to allowed priority and unsecured general creditors.

(2) Funding: § 5(b) claims to be paid as follows (*check one box*)

☒ Pro rata

☐ 100%

☐ Other (Describe) _____

Part 6: Executory Contracts & Unexpired Leases

☒ **None.** If "None" is checked, the rest of § 6 need not be completed.

Part 7: Other Provisions

§ 7(a) General principles applicable to the Plan

(1) Vesting of Property of the Estate (*check one box*)

☒ Upon confirmation

☐ Upon discharge

(2) Subject to Bankruptcy Rule 3012 and 11 U.S.C. §1322(a)(4), the amount of a creditor's claim listed in its proof of claim controls over any contrary amounts listed in Parts 3, 4 or 5 of the Plan.

(3) Post-petition contractual payments under § 1322(b)(5) and adequate protection payments under § 1326(a)(1)(B),(C) shall be disbursed to the creditors by the debtor directly. All other disbursements to creditors shall be made by the Trustee.

(4) If Debtor is successful in obtaining a recovery in a personal injury or other litigation in which Debtor is the plaintiff, before the completion of plan payments, any such recovery in excess of any applicable exemption will be paid to the Trustee as a special Plan payment to the extent necessary to pay priority and general unsecured creditors, or as agreed by the Debtor and the Trustee and approved by the court.

§ 7(b) Affirmative duties on holders of claims secured by a security interest in debtor's principal residence

(1) Apply the payments received from the Trustee on the pre-petition arrearage, if any, only to such arrearage.

(2) Apply the post-petition monthly mortgage payments made by the Debtor to the post-petition mortgage obligations as provided for by the terms of the underlying mortgage note.

(3) Treat the pre-petition arrearage as contractually current upon confirmation for the Plan for the sole purpose of precluding the imposition of late payment charges or other default-related fees and services based on the pre-petition default or default(s). Late charges may be assessed on post-petition payments as provided by the terms of the mortgage and note.

(4) If a secured creditor with a security interest in the Debtor's property sent regular statements to the Debtor pre-petition, and the Debtor provides for payments of that claim directly to the creditor in the Plan, the holder of the claims shall resume sending customary monthly statements.

(5) If a secured creditor with a security interest in the Debtor's property provided the Debtor with coupon books for payments prior to the filing of the petition, upon request, the creditor shall forward post-petition coupon book(s) to the Debtor after this case has been filed.

(6) Debtor waives any violation of stay claim arising from the sending of statements and coupon books as set forth above.

§ 7(c) Sale of Real Property

☒ **None.** If "None" is checked, the rest of § 7(c) need not be completed.

Part 8: Order of Distribution

The order of distribution of Plan payments will be as follows:

Level 1: Trustee Commissions*

Level 2: Domestic Support Obligations

Level 3: Adequate Protection Payments

Level 4: Debtor's attorney's fees

Level 5: Priority claims, pro rata

Level 6: Secured claims, pro rata

Level 7: Specially classified unsecured claims

Level 8: General unsecured claims

Level 9: Untimely filed general unsecured non-priority claims to which debtor has not objected

****Percentage fees payable to the standing trustee will be paid at the rate fixed by the United States Trustee not to exceed ten (10) percent.***

Part 9: Non Standard or Additional Plan Provisions

Under Bankruptcy Rule 3015.1(e), Plan provisions set forth below in Part 9 are effective only if the applicable box in Part 1 of this Plan is checked. Nonstandard or additional plan provisions placed elsewhere in the Plan are void.

☒ **None.** If "None" is checked, the rest of Part 9 need not be completed.

Part 10: Signatures

By signing below, attorney for Debtor(s) or unrepresented Debtor(s) certifies that this Plan contains no nonstandard or additional provisions other than those in Part 9 of the Plan, and that the Debtor(s) are aware of, and consent to the terms of this Plan.

Date: 05/15/2023

/s/ Michael A. Cibik

Michael A. Cibik
Attorney for Debtor(s)

If Debtor(s) are unrepresented, they must sign below.

Date: _____

Karon A. Simmons
Debtor

Date: _____

Joint Debtor

**United States Bankruptcy Court
Eastern District Of Pennsylvania**

In re Simmons, Karon A.

Debtor(s)

Case No. 23-11011-mdc
Chapter 13

CHAPTER 13 PLAN

The undersigned hereby certifies that a true copy of the following document(s):

Motion to Extend Automatic Stay

was(were) mailed to all persons in interest at the addresses set forth in the exhibit which is attached hereto, electronically or by first class mail, postage prepaid, on 05/15/2023.

Dated: 05/15/2023

/s/ Michael A. Cibik

Michael A. Cibik
Debtor or Debtor's(s') Counsel
Bar Number: 23110
Cibik Law, P.C.
1500 Walnut Street Suite 900
Philadelphia, PA 19102
Phone: (215) 735-1060
Email: mail@cibiklaw.com

AmeriCredit/GM Financial
Attn: Bankruptcy
PO Box 183853
Arlington, TX 76096

AR Resources Inc.
PO Box 1056
Blue Bell, PA 19422-0287

Capital One
P.O. Box 30285
Salt Lake City, UT 84130

Citibank
PO Box 790034
Saint Louis, MO 63179-0034

City of Philadelphia
Parking Violation Branch
PO Box 41819
Philadelphia, PA 19101-1819

City of Philadelphia Law Department
Municipal Services Building
1401 John F Kennedy Blvd 5th Floor
Philadelphia, PA 19102-1640

Comenity Bank
PO Box 182125
Columbus, OH 43218-2125

Easy Pay
Attn: Bankruptcy
PO Box 2549
Carlsbad, CA 92018-2549

FedChoice Federal Credit Union
ATTN: Bankruptcy Dept. 10001 Willowdale Rd
Lanham, MD 20706

Fingerhut
Attn: Bankruptcy 6250 Ridgewood Road
Saint Cloud, MN 56303

FlexPay
Attn: Bankruptcy 7755 Montgomery Rd
Cincinnati, OH 45236

Fortiva
Attn: Bankruptcy
PO Box 105555
Atlanta, GA 30348

Debtor Simmons, Karon A.

Case number 23-11011-mdc

Internal Revenue Service
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

Jefferson Capital Systems, LLC
Attn: Bankruptcy
16 McLeland Road
Saint Cloud, MN 56303

LVNV Funding LLC
6801 S Cimarron Rd Ste 424-J
Las Vegas, NV 89113-2273

Midland Credit Management, Inc.
4 E Rolling Cross Rd Ste 307
Catonsville, MD 21228-6279

Monterey Financial Service
Attn: Bankruptcy 4095 Avenida De La Plata
Oceanside, CA 92056

Peco Energy
2301 Market St N 3-1
Philadelphia, PA 19103-1338

Pennsylvania Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Pennsylvania Department of Revenue
Bankruptcy Division
Po Box 280946
Harrisburg, PA 17128-0946

Pennsylvania Office of General Counsel
333 Market St Fl 17
Harrisburg, PA 17101-2210

Philadelphia Gas Works
800 W Montgomery Avenue
Philadelphia, PA 19122

Philadelphia Municipal Court
Traffic Division
800 Spring Garden Street
Philadelphia, PA 19123

Philadelphia Parking Authority
Bankruptcy Department
701 Market St
Philadelphia, PA 19106-1538

PNC Mortgage
Attn: Bankruptcy
PO Box 8819
Dayton, OH 45401-8819

Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541-1067

Pressler Felt & Warshaw LLP
7 Entin Rd
Parsippany, NJ 07054-5020

Swiss Colony Inc.
PO Box 2825
Monroe, WI 53566-8025

Synchrony Bank
Attn: Bankruptcy Dept.
PO Box 965064
Orlando, FL 32896-5064

Target Nb
C/O Financial & Retail Services
Mailstop BT PO Box 9475
Minneapolis, MN 55440

TD Bank N.A.
c/o Weinstein & Riley PS
2001 Western Ave Ste 400
Seattle, WA 98121-3132

U.S. Attorney, Eastern District of Pa.
615 Chestnut St Ste 1250
Philadelphia, PA 19106-4404

U.S. Department of Housing and Urban Development
100 E Penn Sq Fl 11
Philadelphia, PA 19107-3325

U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0009

Western Funding Inc
Attn: Bankruptcy Dept
P.O. Box 94858
Las Vegas, NV 89193